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Sent: Wed 5/13/2015 3:24:36 PM
Subject: Public participation in AE requests

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During our call last week, we discussed EPA's requirements for public notice and opportunity for a public hearing for aquifer exemption requests under 40 C.F.R § 144.7. As you know, the public participation process can take different forms depending if the request is a substantial or non-substantial program revision (see Guidance 34), and EPA can also provide additional opportunity for public comment after a state submits an exemption request. For reference, when EPA proposes an aquifer exemption as a part of a draft UIC permit (under 40 C.F.R § 124) , there is minimum of a 30-day public comment period, which can be extended at EPA's discretion, and opportunity to request a hearing. Typically there is at least 30 days' notice of a public hearing, but a hearing may also be scheduled at the time of the public notice. The detailed minimum requirements for public notice and conduct of non-adjudicatory hearings under the SDWA can be found at 40 CFR Part 25. It may be helpful as a next step to discuss what the State proposes for its public participation process as a part of the Aquifer Exemption Guidance.

Brett and I will attend the meeting at CalEPA today,

Best,

Alexa

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